

East Sussex Care Leavers Housing Protocol (V5)

East Sussex County Council Through Care Service and [Insert Authority]

1. Introduction.

This protocol sets out how East Sussex County Council Through Care Service and the [Insert Authority] in East Sussex will work together to address the housing needs of Care Leavers who have made an application for accommodation in the Local Housing Authority's area. This Protocol has been adopted by all the District and Borough Councils in East Sussex. The Protocol sets out:-

- How both agencies can work together with the young person to inform them of their housing options and to help plan to meet their future housing needs; and
- Establish pathways between the two services, and other relevant services, so crisis situations can be reduced or managed more effectively.

2. National and local context.

The Department for Education (DfE) have set out in the strategy for Care Leavers – Keep on Caring¹ that “experiencing stability and feeling safe and secure” is one of their 5 key outcomes. In March 2015 it was reported that 90% of care leavers were suitably housed with 1% being in B+B, 4% in custody and 1% of no fixed abode.

In order to address these challenges the DfE have supported St Basils and Barnardo to develop a pathway to meet the housing needs of Care Leavers - “Care Leavers and accommodation support framework”². This protocol will draw on the early stages of that document.

East Sussex County Council figures for accommodation outcomes for its Care Leavers are in line with national data.³ Whilst this is positive it is recognised that behind these figures some individual young people are not having their housing needs met appropriately which is affecting all other areas of their life. It is recognized that more effective joint working between East Sussex County Council, District and Borough Councils and wider partners is critical to finding sustainable accommodation solutions and improving outcomes for Care Leavers.

[Insert District / Borough Council] recognize that Care Leavers have an increased vulnerability to be homeless both whilst they are being supported by the Through Care Service or post 25. As part of their wider strategy to address homelessness they recognize the need to be party to effective planning at an early stage and to work jointly with the ESCC Though Care Service to address potential homelessness.

3. Legal framework.

East Sussex County Council - Though Care Service

Young people who are Care Leavers as defined by the Children (Leaving Care) Act 2000⁴ will be supported by East Sussex County Council. The key duties are set out below and fully covered in DfE guidance⁵:-

- Support up to the young person's until their 21st birthday and as long as the young person agrees, this will continue until their 25th birthday.
- A personal advisor – who will be a qualified social worker for 16/17 year olds.
- A pathway plan which will be reviewed at least every 6 months – more frequently if there is a significant change such as loss of accommodation, safeguarding concerns about the Care Leaver's child or the Care Leaver is likely to receive a custodial sentence.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/535899/Care-Leaver-Strategy.pdf

² <http://www.stbasils.org.uk/files/2015-10-40/16905SUCareleaversaccomandsupportframeworkLRv2.pdf>

³ <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2015-to-2016>

⁴ <http://legislation.data.gov.uk/ukpga/2000/35/enacted/data.htm?wrap=true>

- East Sussex County Council will be responsible for the provision and funding of accommodation until they are 18 and also living allowance.
- “Staying put” with their foster carers post 18.
- ‘Staying Close’ for those who choose this and are leaving residential care.
- Provision of a setting up home allowance.
- If a young person is at risk of homelessness there is a requirement to review the young person’s pathway plan.

The Children and Social Work Act 2017 places a duty on East Sussex County Council “to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners”. The relevant partners include [Insert District / Borough Council].

Local Housing Authorities

Housing Authorities have specific duties to young people who are Care Leavers and homeless as defined by the Housing Act 1996 (as amended)⁶. The key duties are set out below:

- Where a young person is considered to be at threat of homelessness the relevant Housing Authority has a duty to carry out a homelessness assessment to confirm what housing duty is owed. This will include establishing the applicant’s eligibility and homelessness status, their age to determine if they are still under the age of 22 and automatically ‘Priority Need’ as a Care Leaver and then if they are homeless due to an ‘intentional’ act or omission which has caused their homelessness.
- All Care Leavers aged 18 to 21 are automatically considered to be significantly more vulnerable than a normal person and are defined as having a “priority need”. (NB. when a relevant child, Children’s Services are responsible for them and the Priority Need group status only starts at 18).
- Accommodate applicants if they have no other accommodation available whilst a homelessness application is completed.

The Homelessness Reduction Act 2017⁷ amends current legislation and provides additional duties to Housing Authorities. The legislation changes the duties to manage the risk of homelessness and the rules on local connection:

- East Sussex Care Leavers will be able to make a homelessness application to any district or borough within East Sussex.
- If they live out of the East Sussex area providing they have lived in that area for over 2 years, if that includes some time before the young person reaches 16 they will be able to apply to that area as well.

Note: this applies ONLY to homelessness duties NOT allocation of housing.

There is a duty on Housing Authorities to take the lead on preventing homelessness and to work with the young person for 56 days to prevent homelessness and a further 56 days to relieve homelessness. The Housing Authority will make an assessment of the young person’s circumstances and needs and develop a personalized support plan.

If a Care leaver under the age of 22 fails to co-operate with the housing department the duty of homelessness is not prevented (S175) or relieved (S189B) is reduced to the offer of a 6 month AST. This is because they are in a Priority Need group. Other young people who are not Priority

⁶ <http://www.legislation.gov.uk/ukpga/1996/52/contents>

⁷ http://www.legislation.gov.uk/ukpga/2017/13/pdfs/ukpga_20170013_en.pdf

Need or Care Leavers aged 22 and over who are not Priority Need would not be owed any duty to secure accommodation if they fail to co-operate.

If someone who is already homeless and the Housing Authority is trying to 'relieve' their homelessness (S189B) and turns down a "reasonable offer" of suitable accommodation under Part 6 or a 6 month AST, then no further duty will be owed to them. Note there are rights of review on these decisions.

4. Joint planning for individual Care Leavers

It is recognized that one of the key issues for Care Leavers is having a clear understanding of the housing options available to them. Often young people are not aware of the different types of provision available to them – the terms being used, and the likelihood of them getting their own accommodation or having to go into shared accommodation.

In order to address this, the following approach is proposed:

Aged 14/15 years:

- **PLANNED WORK:**
 - Workshop with young people to discuss leaving care/housing options/plans.
 - Present/discuss young people with options – staying put; supported housing; supported lodgings; housing options at 18
 - Discuss tenancy preparation course they will do at age 17/18.
- **WHO:**
 - Involve care experienced young people.
 - The relevant Housing Authority and ESCC Through Care Service staff.
- **TIMING:**
 - Year 10, spring term

Aged 17/17 ½:

- **PLANNED WORK:**
 - Specific discussion about young person's needs/plans. The young person's Social Worker will make an appointment to meet with the relevant Housing Authority's Housing Options Officer. Consideration should be given to including the foster carer or other trusted adult in that meeting. The purpose of the meeting is to:
 - Discuss the accommodation plans for the young person
 - To help the young person gain an understanding of the housing options available to them.
 - Their responsibilities in the different options.
 - The skills they will need to manage in the different settings.
 - Link to tenancy preparation course – specific learning needs.
 - Agree a Personalised Housing Plan setting out the young person's housing and support needs and jointly agreed actions to help the young person access the housing options available to them, move towards independent living or resolve their current homelessness or threat of homelessness.
- **WHO:**
 - Young person/trusted adult/social worker/carer/Housing Options Officer
- **TIMING:**
 - Following the young person's 17th birthday, or as early as possible thereafter.

Managing crisis/risk of homelessness:

- Social worker/ Housing Options Officer review in supported housing 20 days after placement starts to identify support to help the young person maximise chances of success/achieving goals; services required to support them; risks to placement breakdown; contingency plans; approaches to managing intentionality.

This will inform the young person's Pathway Plan especially the accommodation, family and independence skills sections. It will also give the housing department an understanding of the

young person ahead of taking a formal homelessness application under the Housing Act, if required.

When an application to the Housing Authority is being considered the Social Worker/Personal Advisor should contact the Housing Options Officer to alert and to agree how the young person is best supported to make the application. The Personal Advisor should not support any young person in making a homelessness application if they feel the young person is not ready to manage the responsibilities of holding a tenancy.

A young person could make a homelessness application when aged 17 years and 6 months if they wish to consider housing options outside of the care system.

It is recognized that taking on the responsibility of holding a tenancy at 18 years of age is a significant responsibility for any young person.

NB. The homelessness route should only be used where Care Leavers are homeless or threatened with homelessness and this Protocol can provide guidance on planned moves with the involvement of the Housing Authority or their agent.

5. Management of accommodation crisis

Should a Care Leaver be at risk of homelessness, the legal duties noted above require the relevant Housing Authority to take the lead on preventing homelessness.

However, this must be done jointly with the Social Worker/Personal Advisor and other relevant agencies. Evidence from Wales where these legal changes were introduced recently was that homelessness decision against care leavers fell from 15% to 1% of all homelessness decision.

If either agency becomes aware that a Care Leaver is at risk of homelessness they must contact their housing/Through Care service colleagues and agree immediate steps and action so the Housing Authority can undertake the "assessment of circumstances and needs" and to agree joint working arrangements. Consideration should be given to including other agencies and birth family i.e. current accommodation provider, DWP, mental health, substance misuse etc.

A "Personalised Housing Plan" should be developed by the Housing Authority and the young person's pathway plan should be reviewed - the plan will be informed by the "Personalised Housing Plan".

A decision to make a Care Leaver intentionally homeless should only be made by the Housing Options Officer after there has been discussion with the Through Care Service manager to confirm that all possible options and support has been offered. The aim of this Protocol is to ensure it is never necessary to issue an Intentional decision against a Care Leaver.

It is expected that housing and through care staff will work closely together to support the young person in addressing their difficulties and to work with other agencies to avoid homelessness.

6. Escalation policy and review arrangement

It is expected that the Social Worker/Personal Advisor and Housing Options Officer will address operational difficulties.

Should this not be possible then advice should be sought from the Young Person's Housing Co-ordinator for East Sussex.

If the issues cannot be resolved then a decision will be made jointly by the manager for the Through Care Service and the Housing Options Team Leader (s) at the Housing Authority.

The Protocol will be reviewed every 6 months by the Young Person's Housing Co-ordinator for East Sussex, the Housing Options Team Leader (s) and the Through Care Service Manager. The review will consider:

- Joint working arrangements.
- Consider the learning from specific cases in order to develop and improve practice.
- A report will be made available to the VYP Housing Project Board.